



State of Utah

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DIVISION OF WATER QUALITY
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Steven P. Simpson
Daniel C. Snarr
Phil Wright
Walter L. Baker,
Executive Secretary

MINUTES

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

UTAH WATER QUALITY BOARD

168 North 1950 West Room 101

Salt Lake City, Utah 84116

Wednesday October 22, 2008

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Joe Piccolo	Paula Doughty	Jay Olsen
Leland Myers	Steve Simpson	Rick Sprott
Gregory Rowley	Dave Echols	Phil Wright
Merritt Frey	Dan Snarr	

ABSENT: Darrel Mensel

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Mary Fugate, John Whitehead, Leah Ann Lamb, John Mackey, Carl Adams, Bill Moellmer, Jeff Ostermiller, John Cook, Beth Wondimu, Emily Canton, Ed Macauley, Theron Miller and Sandy Wingert

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Reed Oberndorfer	CUWCD
Dave Ariotti	District Engineer
Mel Bodily	Avenue Consultants
Paul Ashton	WCWID
Reed Bodell	Kennecott
Bruce Waddell	GSL Alliance, Lake front
Catherine Wilson	Public
Virginia Sudweeks	Public
Cal Sudweeks	Public
Allen Supworks	Public
Dudley Beck	Bluff Service Area
Fred Nelson	Attorney Generals Office
Skip Meier	Bluff Service Area
Travis Higby	Forsgren
Gordon Anderson	Mona City
Patrick Painter	Mona City
Jacob Prestwign	Forsgren

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Bryce Lynn	Mona City
Bryan Meadows	City of Green River
Conae Black	City of Green River
Phil Englemar	City of Green River
Greg Poole	HAL
Tyler Shelley	HAL
Scott Stoddard	Corps of Engineers
Glenn Barrow	Hooper City
Dennis Steele	Hooper City
Christina Osborn	JUB Engineers
Don Summit	JBS Swift & Co (EA Miller)
David Mclean	JVWCD
Todd Marti	JVWCD
Marty Banks	Stoel Rives
Kelly Payne	Kennecott
Janae Wallace	UGS
Blair Palmer	ATK

Chair Piccolo called the Board meeting to order at 10:00 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE SEPT 16, 2008 MEETING

Ms. Doughty noted a couple of minor corrections to the minutes.

Motion: **It was moved by Mr. Simpson and seconded by Mr. Wright to approve the minutes of the September 16, 2008 meeting. The motion was unanimously approved with the noted corrections.**

Executive Secretary's Report: Mr. Baker discussed with the Board about upcoming budget concerns. He anticipates 4% will be cut from the budget and they plan to address that through reductions in TMDL contracts. Walt will be attending a Water Directors meeting in Washington DC and they will be devoting an unprecedented one-half day discussion to nutrient pollution. This has become a national and a state wide concern and Mr. Baker suggested we may wish to consider moving to a different nutrient level of protection in our streams by employing more rigid standards. The division is continuing with the AFO/CAFO strategy with the partners in the Agriculture community. The strategy runs out at the end of this year and we'll be looking at taking the next step.

Remarks on the "History of Water Pollution Control in Utah": Mr. Cal Sudweeks (former Director of the Division of Water Quality) gave a presentation on the "History of Water Pollution Control in Utah."

LOAN ITEMS

Financial Assistance Status Report – Ms. Canton updated the Board on the "Summary of Assistance Program Funds," as outlined on page 2.1.

Mona Introduction of Funding Request: Ms. Wondimu introduced Mayor Bryce Lynn, Gordon Anderson and from the town of Mona, Rep. Patrick Painter, and Travis Higby and Jacob Prestwign from Forsgren Associates, Inc. Mona City is requesting financial assistance in the amount of a \$7,600,000 grant and a \$4,192,000 loan at an interest rate of 0.0% repayable over 30 years for construction of a wastewater collection and treatment system. Mona City is also requesting a Design Advance in the amount of

\$250,000 to provide a match for the United States Army Corps of Engineers (USACE) 595 design funds that have already been authorized.

Bluff Introduction of Funding Request: Mr. Mackey introduced Skip Meier and Dudley Beck from Bluff Service Area and Dave Ariotti, DEQ District Engineer. Bluff Service Area (BSA) is requesting a construction grant in the amount of \$1,688,000, a loan in the amount of \$840,000 repayable over 30 years at an interest rate of 0%, and a Design Advance in the amount of \$701,000 for the design and construction of new wastewater collection, treatment and disposal facilities. Bluff service Area is requesting funding from the Community Impact Board in identical grant and loan amounts. The community and individual property owners will separately fund sewer lateral connections to the new sewer system. This is estimated to cost over \$250,000. Staff's comments and recommendations will be provided at the request for funding authorization meeting.

Green River City Introduction of Funding Request: Ms. Wondimu introduced Bryan Meadows, Phil Englemar and Conae Black from Green River City and Greg Poole with Hansen, Allen & Luce. Green River City is requesting financial assistance in the amount of a \$666,000 loan at an interest rate of 0.0% repayable over 20 years for upgrading the existing wastewater collection system. The community will bring \$300,000 to the table. Mr. Myers suggested staff consider attaching a small interest rate on this loan.

Hooper City Request for additional funding: Mr. Cook introduced Mayor Glenn Barrow and Dennis Steele with Hooper City and Tracy Allen with J-U-B Engineering. Hooper City Corp is requesting an increase of \$1,000,000 to the \$12,000,000 zero percent interest loan repayable over 30 years previously authorized by the Water Quality Board for the design and construction of a wastewater collection system. This request will fulfill the needed funding to construct the aforementioned project, which incurred additional costs due to unforeseen increase in cost of materials and in population within the planned project area.

Motion: It was moved by Mayor Snarr to approve staff's recommendation to replace Hooper City's 2006 loan in the amount of \$12,000,000 with a new loan in the amount of \$12,665,000 to refund the series 2006 sewer bond and provide \$1,000,000 in additional funding for construction cost overruns incurred in the construction of Hooper City's vacuum sewer system. The motion was seconded by Mr. Wright and was approved. Mr. Olsen and Mr. Myers opposed the motion.

ACTION: Merritt Frey requested that a work session be held prior to the next Board meeting so the Board members can have a discussion to decide how they are going to proceed with future loan requests.

RULEMAKING:

Request for Final Approval of Water Quality Standards (R317-2) Revisions and Timeline for Final Adoption: Mr. Ostermiller and Dr. Moellmer presented changes to the proposed Water Quality Standards (WQSs) made subsequent to the previous meeting in stakeholder comments. First, aquatic life uses were changed for the Escalante River and headwaters based on a completed UAA, whereas the proposed beneficial use changes for Salaratus Creek were removed because the current UAA lacks sufficient biological data. Second, those conventional parameters that can exceed standards <10% of the time and remain in full support of beneficial uses was more clearly defined. Third, clarifications were made to the ecological classifications and associated uses of the Great Salt Lake (GSL). Forth, a modified version of tiered regulatory responses to any observed increases in the tissue of GSL shorebirds was returned to the rule.

The Board raised a couple of concerns about the language used to describe the ecological delineations of the GSL. Specifically, the use of the “saline” in some descriptions was questioned as being too ambiguous and this language was subsequently removed. Similarly, the reference to approximate elevations to distinguish the open waters of the GSL from upland aquatic ecosystems was questioned as lacking specificity. The approximate elevation wording was retained for this rulemaking, but staff agreed to work on better defining ecosystem boundaries in subsequent revisions.

Concerns were also expressed about proposed regulatory responses should selenium ever increase in the GSL. First, the need for unprecedented tiered triggers was questioned, but staff recommended keeping the procedure in place due to the unique nature of tissue-based standards and ecological characteristics of the GSL. Second, a suggestion was made to switch regulatory responses to evaluate load sources prior to the requirement for Level II Antidegradation Reviews. In response, language was added to state that load evaluations can be an integral part of Antidegradation Reviews. Finally, concerns were raised about the expense of required antidegradation reviews and language was modified to require the State, as opposed to permitted facility, to conduct these reviews.

At the previous meeting, the Board asked staff to more carefully consider the exclusion of wildlife sources from the *E. coli* standards. Mr. Ostermiller explained that the Clean Water Act provides authority to regulate “human-caused” sources of pollution, not “natural sources” such as wildlife. Some members of the Board expressed concern about excluding wildlife sources because pathogens from wildlife remain a threat to recreation uses and wildlife are not “natural” because they are extensively managed by humans. Staff agreed to think more broadly about these issues and consider revisions to the language in future WQS revisions.

Motion: **It was moved by Mr. Myers, and seconded by Ms. Frey, to adopt the proposed change of rule. The changes to R317-2 were approved, with Mr. Olsen and Ms. Doughty opposed to the changes.**

DUE TO THE LENGTH OF THE MEETING THE REMAINDER OF THE AGENDA ITEMS WILL BE PRESENTED AT THE MEETING ON DECEMBER 18TH.

NEXT MEETING:

Thursday, December 18th. A work meeting will begin at 8:30 a.m. for the Board members only, followed by the Board meeting (open to the public) beginning at 11 a.m., with a break for lunch at noon and the board meeting resuming at 1:00 p.m.

Joe Piccolo, Chairman
Utah Water Quality Board